

REMARKS

Claim Rejections

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Guth (U.S. 1,699,201). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Guth in view of Bubb et al. (U.S. 3,692,428).

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

New Claims

By this Amendment, Applicant has canceled claims 1-2 and has added new claims 3-4 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a centrifugal fan wheel comprising: a hollow hub (1) having: a hollow portion (11); a hollow hub axis (12) connected to a top of the hollow hub at a center of the hollow portion protruding toward a bottom of the hollow hub; a closed part (16) located on the bottom of the hollow hub; a curved guiding inlet part (14) located on a side of the hollow hub; and a curved surface (15) located between the closed part and the curved guiding inlet part and having a smooth fillet extending to the closed part; and a set of blades (2) located on an exterior of the hollow hub and having: an up ring (21) located on a top of the set of blades; a down ring (22) located on a bottom of the set of blades and having an inner part connected to the closed part of the hollow hub and a plurality of perforations (24) located through a bottom thereof, each of the plurality of perforations is spaced apart an equal distance; a plurality of blades (23) located between the up ring and the down ring, each of the plurality of blades is spaced apart an equal distance; and a plurality of wind holes (231) located between the plurality of blades; wherein each of the plurality of wind holes communicating with

an exterior of the bottom of the set of blades through one the plurality of perforations.

Other embodiments of the present invention include a plurality of ribs (13) extending radially for the center of the hollow portion on the interior of the hollow hub.

The primary reference to Guth teaches a fan having a disc (7) having an outwardly directed portion (17), a plurality of vanes (23) and a plurality of holes (25) formed by punching and bending material from the disc.

Guth does not teach a set of blades located on an exterior of the hollow hub; a down ring having a plurality of perforations located through a bottom thereof; nor does Guth teach each of the plurality of wind holes communicating with an exterior of the bottom of the set of blades through one the plurality of perforations.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Guth does not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Guth cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

The secondary reference to Bubb et al. teaches a centrifugal fan and is cited for teaching a plurality of ribs.

Bubb et al. do not teach a curved guiding inlet part located on a side of the hollow hub; a curved surface located between the closed part and the curved guiding inlet part and having a smooth fillet extending to the closed part; a down ring having a plurality of perforations located through a bottom thereof; nor do Bubb et al. teach each of the plurality of wind holes communicating with an exterior of the bottom of the set of blades through one the plurality of perforations.

Even if the teachings of Guth and Bubb et al. were combined, as suggested by the Examiner, the resultant combination does not suggest: a down ring having a plurality of perforations located through a bottom thereof; each of the plurality of wind holes communicating with an exterior of the bottom of the set of blades through one the plurality of perforations.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Guth or Bubb et al. that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Guth nor Bubb et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: March 15, 2005

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